

CHAPTER 22
ELDER FAMILY HOMES (EFH)

321—22.1(231A) Purpose. Elder family homes have been created to allow up to six unrelated elders, including the responsible party, to share expenses for board and room in an existing private residence.

321—22.2(231A) Definitions. The terms in this chapter will have the following meanings:

“Activities of daily living” means personal care activities including personal hygiene and grooming, toileting, dressing and undressing, feeding, and medicating. Transportation, housekeeping, and meal preparation are not included in this definition.

“Additional services” means any service beyond “some assistance” as defined in rule 321—22.2(231A) or requiring the services of a registered or licensed practical nurse except on an intermittent basis.

“Assessment” means the administration of a standardized tool and the use of other procedures to identify existing impairments, situations, and problems which are barriers to a resident’s ability to function and to identify strengths and specific needs.

“Committee” means a care review committee established under 321—Chapter 9.

“Elder family home (EFH)” means a private household owned and occupied by a responsible party offering a social living arrangement for at least two, but not more than five, persons who are not related within the third degree of consanguinity to the responsible party, the majority of whom are aged 60 or older, and who are not able or willing to adequately maintain themselves in an independent living arrangement, but who are essentially capable of physical self-care. This does not limit residency in the EFH by persons who are related within the third degree of consanguinity to the responsible party.

“Essentially capable of physical self-care” means the elder is ambulatory or can move from place to place, is of sound mind, can manage the activities of daily living, and can attend to the care of personal property adequately with minimal support or occasional assistance.

“Not able or willing to adequately maintain themselves in an independent living arrangement” means that the elders require some assistance, encouragement, or social stimulation for adequate self-care or to maintain physical or mental health or personal safety.

“Owns” means the responsible party solely owns or owns along with persons related within the third degree of consanguinity.

“Responsible party” means the person providing room and board in an elder family home who owns and resides in the home. The responsible party may be, but is not required to be, an elder.

“Some assistance” means any assistance with the care of physical property, personal care for one activity of daily living, or intermittent, temporary personal care for up to three activities of daily living for no more than one-month duration.

321—22.3(231A) Requirements for a responsible party to receive exemptions from zoning as an elder family home. To meet the zoning requirements for classification as an elder family home under Iowa Code section 335.31 or 414.29, the responsible party must meet all the following conditions:

1. Register the home as an elder family home with the department in accordance with this chapter;
2. Comply with visitation and assessment requirements as outlined in rules 22.6(231A), 22.10(231A), and 22.11(231A).
3. Receive training as prescribed by the commission of elder affairs.

321—22.4(231A) Application and designation procedures.

22.4(1) Eligible applicants. Any person meeting the qualifications in rule 22.3(231A) for a responsible party has the right to apply for EFH designation for their home.

22.4(2) *Application packet.* The department shall provide on request an application packet for designation as an EFH which includes an application form, a copy of the EFH administrative rules, fee schedule, training requirements, and a guide to home sharing.

22.4(3) *Application process.* The responsible party shall submit two copies of the completed application form along with the registration fee to the Iowa department of elder affairs identified in 321—2.1(2).

22.4(4) *Designation process.* The department shall review the application for completion, accuracy and compliance with all rules of this chapter within ten working days of receipt of the application.

a. Upon determination that an application is complete, and in compliance, the department shall notify in writing within 12 working days of receipt of application the appropriate governing unit of the city or county in which the proposed elder family home is to be located.

b. The governing unit shall determine whether the proposed EFH meets all applicable local health and safety ordinances and the local zoning code for proximity to another EFH as described in subrule 22.15(1), and respond to the department in writing within 30 days of notification.

22.4(5) *Notification of responsible party.* The department shall notify in writing the responsible party of designation approval or denial within five days of receipt of city or county response.

321—22.5(231A) Registration process.

22.5(1) *Notification of city, county and AAA.* The department shall notify within five working days the appropriate governing unit and AAA that an EFH has been designated and placed on the registry maintained by the department.

22.5(2) *EFH information.* The department shall act as a resource and referral agency regarding elder family homes. The AAA and its information and referral subcontractor shall provide information and referral for elder family homes in its area.

321—22.6(231A) Visitation and admission requirements.

22.6(1) *Admission requirements.*

a. A care review committee shall be established by the department in the city or county served by the EFH prior to the EFH accepting residents under this rule.

b. Prior to being accepted as a resident of an EFH, the potential resident shall provide to the responsible party an EFH assessment statement which indicates that the proposed resident is essentially capable of physical self-care and not able or willing to adequately maintain that self-care in an independent living arrangement and does not need additional services. The assessment statement must be prepared by a physician, physician assistant or registered nurse. The department shall make available an EFH assessment statement form to any responsible party, potential resident or other interested person(s).

22.6(2) *Notification of care review committee.* The responsible party shall notify the care review committee of any new residents within one week of acceptance of a new resident.

22.6(3) *Committee visitations.* The committee shall visit each EFH assigned to it at a minimum of once a year and within one month following the admission of the first resident to the EFH.

321—22.7(231A) Training requirements. The responsible party shall maintain, and provide for inspection, proof of any training prescribed by the commission of elder affairs and described in the application packet.

321—22.8(231A) Physical standards for elder family home. The EFH shall be safe, sanitary, well ventilated, properly lighted and heated and shall comply with all applicable local health and safety ordinances for family residences. Where no local, municipal health and safety ordinances exist, local is understood to mean county.

321—22.9(231A) Responsible party eligibility.

22.9(1) *Characteristics.* The responsible party shall be 18 years of age or older, of sound mind and essentially capable of physical self-care.

22.9(2) *Residence.* The responsible party shall own and reside in the EFH as a primary residence.

321—22.10(231A) Financial relationship between residents of the EFH and the responsible party.

22.10(1) The responsible party shall not serve as the representative payee, conservator, trustee or in any manner as the financial intermediary benefactor of the residents of the EFH.

22.10(2) The provisions of Iowa Code chapter 562A, “Uniform Residential Landlord and Tenant Law,” apply to the responsible party and residents of EFHs.

22.10(3) The responsible party and each resident shall enter into a written rental agreement which specifies:

- a.* Any services such as, but not limited to, food preparation, cleaning services, and transportation, covered by the payment;
- b.* The period covered by rental agreement;
- c.* That the responsible party or the resident can terminate the living arrangement only for good cause;
- d.* That the resident agrees to be assessed and to sign a release of information for the purposes set out in rule 22.13(231A); and
- e.* Other provisions governing the rights and obligations of the parties.

321—22.11(231A) Complaint procedure.

22.11(1) *Notice.* The responsible party shall post a notice in a conspicuous place which includes:

- a.* The names and telephone numbers of current care review committee members;
- b.* Indication that individual residents or family members may contact committee members with regard to questions or concerns about the elder family home; and
- c.* The name, address and telephone number of the AAA and its information and referral subcontractor that can be contacted for information and referral regarding alternative services and housing options.

22.11(2) *Transmission of complaints.* In the event that questions, complaints or concerns regarding the operation of an EFH are filed with the Iowa department of health, the Iowa department of inspections and appeals or the Iowa department of elder affairs, those complaints shall be submitted in writing to the appropriate committee within three working days of receipt.

321—22.12(231A) Care review committees. Care review committees for EFHs shall be governed by 321—Chapter 9 unless otherwise required in this chapter.

22.12(1) *Committee for each city or county.* A care review committee shall be established by the department within each city or county with EFHs designated in accordance with this chapter.

22.12(2) *Additional committees required.* In cities or counties with more than five designated EFHs, the department shall establish care review committees at the ratio of one committee for no more than five EFHs.

22.12(3) *Committee membership.*

- a.* Each committee shall consist of at least three members.
- b.* To the maximum extent possible, each care review committee shall include a person involved in a local retired senior volunteer program.

22.12(4) *Committee member residence.* The members shall reside within the city or county served by the EFH.

22.12(5) *Action upon receipt of a complaint or grievance.* Upon receipt of a complaint or grievance, a care review committee member shall make an unannounced visit to the EFH within seven calendar days.

321—22.13(231A) Response to visitation findings.

22.13(1) Care review committee referral to AAA. If, following a visitation, the care review committee questions if the needs of the residents of an elder family home are being adequately met, the committee shall notify the appropriate AAA within three working days.

22.13(2) AAA response to notification.

a. Upon receipt of notification, the AAA shall refer any resident whose needs and care are in question for a complete assessment by an interdisciplinary team where available, or a physician, registered nurse, licensed practical nurse, or social worker. The assessment shall be performed using a standardized form. The professional completing the assessment shall transmit to the AAA care review committee coordinator within ten calendar days an assessment summary which specifically addresses the resident's ability to provide self-care.

b. Upon receipt of the assessment summary, the care review committee coordinator shall determine whether any recommendations included in the assessment summary meet the definition of additional services as defined in rule 22.2(231A).

c. The care review committee coordinator will notify the resident of the assessment determination within 14 working days of AAA receipt of the complaint.

d. If any resident requires additional services, the care review committee coordinator shall inform the responsible party that unless the resident relocates within 30 days to a facility which is able to provide the necessary services, the elder family home shall no longer be designated as an elder family home and shall no longer be in compliance with zoning requirements.

e. If the resident requiring additional services does not relocate to a facility which is able to provide the services within 30 days, the committee coordinator shall notify the department in writing within 2 working days that the EFH is found to be no longer in compliance.

22.13(3) EFH operating as unlicensed health care facility.

a. If the care review committee coordinator has probable cause to believe that any EFH is acting as a health care facility, as defined under Iowa Code chapter 135C, the committee coordinator shall notify the Iowa department of inspections and appeals.

b. An inspector of the department of inspections and appeals, upon producing identification that the individual is an inspector, may enter the EFH to determine if the home is operating as an unlicensed health care facility.

c. If the inspector is denied entrance, the inspector may, with the assistance of the county attorney in the county in which the elder family home is located, apply to the district court for an order requiring the responsible party to permit entry and inspection.

d. If the inspector finds that the home is operating as an unlicensed health care facility, the inspector shall notify the department in writing within two working days that the EFH is found to be no longer in compliance.

321—22.14(231A) Termination of designation.

22.14(1) Condition for termination. Upon receipt of notification that an EFH is no longer in compliance, the department shall terminate the EFH designation and designation for the purposes of zoning.

22.14(2) Notification of termination. The department shall notify in writing within three working days the appropriate governing unit, the committee and the responsible party that EFH designation has been terminated.

22.14(3) Notification of residents. The responsible party shall notify the residents of the former EFH within 24 hours that designation has been terminated and that the AAA is available for information and referral regarding alternative services and housing options.

321—22.15(231A) Zoning.

22.15(1) For purposes of zoning in accordance with Iowa Code sections 231A.1 and 231A.2, a county board of supervisors or county zoning commission shall consider an EFH a family home, as

defined in Iowa Code section 335.25(3), and may identify limitations regarding the proximity of one proposed EFH to another.

22.15(2) For purposes of zoning in accordance with Iowa Code sections 231A.1 and 231A.2, a city council or city zoning commission shall consider an EFH a family home, as defined in Iowa Code section 414.22(3), and may identify limitations regarding the proximity of one proposed EFH to another.

321—22.16(231A) Resident requirements.

22.16(1) Resident eligibility. EFH residents who are not related within the third degree of consanguinity to the responsible party shall be persons who are:

- a. Not able or willing to adequately maintain themselves in an independent living arrangement;
- b. Essentially capable of physical self-care; and
- c. Do not require additional services as defined in rule 22.2(231A).

22.16(2) Elder majority. The majority of residents of an EFH who are not related within the third degree of consanguinity to the responsible party shall be elders aged 60 or over.

321—22.17(231) Appeals process. An aggrieved party that alleges that the party's rights have been denied by action or omission of the department, commission, AAA or AAA subcontractor, may appeal through the department complaint procedure set out in rule 321—2.7(231).

321—22.18(231A) Confidentiality. Disclosure of any EFH client information or records shall be governed by 321—Chapter 19 and rule 321—9.9(231).

321—22.19(231A) Fees. Fees to cover program administration shall be established by the department. All fees shall be paid at the time of the request and are nonrefundable. Checks should be made out to the Iowa Department of Elder Affairs, identified in 321—subrule 2.1(2).

These rules are intended to implement Iowa Code sections 231A.1, 231A.2, 335.31 and 414.29.

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